

State of Wisconsin



2015 Senate Bill 538

Date of enactment: **March 1, 2016**
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2015 WISCONSIN ACT 227

AN ACT *to repeal* 341.14 (6r) (fm) 5.; *to renumber and amend* 341.14 (6r) (fm) 1. (intro.), 341.14 (6r) (fm) 1. a., 341.14 (6r) (fm) 1. b., 341.14 (6r) (fm) 1. c., 341.14 (6r) (fm) 1. d. and 341.14 (6r) (fm) 1. e.; *to amend* 20.395 (5) (cj), 341.14 (6r) (b) 1., 341.14 (6r) (fm) 2. c., 341.14 (6r) (fm) 4., 341.14 (6r) (fm) 6. and 341.145 (1) (c); *to repeal and recreate* 341.14 (6r) (fm) 2. a.; and *to create* 20.395 (5) (eL), 25.40 (1) (a) 32., 341.14 (6r) (fm) 1m., 341.14 (6r) (fm) 1r. (intro.), 341.14 (6r) (fm) 2. d., e. and f., 341.14 (6r) (fm) 3g. and 3m. and 341.14 (6r) (fm) 8. of the statutes; **relating to:** special distinguishing registration plates issued by the Department of Transportation and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.395 (5) (cj) of the statutes is amended to read:

20.395 (5) (cj) *Vehicle registration, special group plates, state funds.* From the general fund, all moneys deposited received under s. 341.14 (6r) (b) 3. and (fm) 2., for the purpose of producing and issuing special group plates under s. 341.14 (6r) (fm) and making returning payments under s. 341.14 (6r) (fm) 2. a.

SECTION 2. 20.395 (5) (eL) of the statutes is created to read:

20.395 (5) (eL) *Payments resulting from the issuance of certain special plates.* From the general fund, all moneys from voluntary payments received under s. 341.14 (6r) (fm) 8. a. for payments to authorized special groups or for gifts to state agencies as provided in s. 341.14 (6r) (fm) 8. b.

SECTION 3. 25.40 (1) (a) 32. of the statutes is created to read:

25.40 (1) (a) 32. Moneys received under s. 341.14 (6r) (fm) 8. a. that are deposited into the general fund and

credited to the appropriation account under s. 20.395 (5) (eL).

SECTION 4. 341.14 (6r) (b) 1. of the statutes is amended to read:

341.14 (6r) (b) 1. Subject to subd. 1m., upon application to register an automobile or motor home, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, by any person who is a resident of this state and a member of an authorized special group or with respect to an authorized special group designated under par. (fm) that includes the statement under par. (fm) 2. e., interested in supporting the authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member, or if applicable a supporter, of the applicable special group. The department may not issue any special group plates under par. (f) 55., 60., or 61r. until 6 months after the department has received information sufficient for the department to determine that any approvals required for use of any logo, trademark, trade name or other commercial symbol des-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

ignating the professional football team or professional baseball team or associated with Harley-Davidson, Inc., have been obtained. Subject to subs. (9) (d) and (10) (d), the department may not issue any special group plates under par. (f) 61m. or 63. until the department has received information sufficient for the department to determine that any license or other approval required for use of any logo, trademark or service mark, trade name or other commercial symbol to be used on or in association with these plates has been obtained. ~~Notwithstanding s. 341.12 (2), if the department of corrections does not have flat-plate technology available for use in manufacturing license plates at quality and cost comparable to that available from the state of Minnesota, the department of transportation may not issue any special group plates under par. (f) 59. unless the department of transportation purchases the plates from the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the state of Minnesota.~~

SECTION 5. 341.14 (6r) (fm) 1. (intro.) of the statutes is renumbered 341.14 (6r) (fm) 1. and amended to read:

341.14 (6r) (fm) 1. In addition to the special groups specified under par. (f), any group or organization may apply to the department for designation as an authorized special group. The Except as provided in subd. 1m., after the department has received a complete application and the requisite period under subd. 1m. has elapsed, the department shall designate any the group or organization that meets all of the following criteria as an authorized special group:

SECTION 6. 341.14 (6r) (fm) 1. a. of the statutes is renumbered 341.14 (6r) (fm) 1r. a. and amended to read:

341.14 (6r) (fm) 1r. a. The group or organization is ~~not~~ organized or operated for profit.

SECTION 7. 341.14 (6r) (fm) 1. b. of the statutes, as affected by 2015 Wisconsin Act 117, is renumbered 341.14 (6r) (fm) 1r. b. and amended to read:

341.14 (6r) (fm) 1r. b. The group or organization is ~~not~~ a committee, as defined in s. 11.0101 (6).

SECTION 8. 341.14 (6r) (fm) 1. c. of the statutes is renumbered 341.14 (6r) (fm) 1r. c. and amended to read:

341.14 (6r) (fm) 1r. c. The group or organization is ~~not~~ a church, a synagogue, a mosque, or any organization, whether or not organized under ch. 187, that operates under a creed.

SECTION 9. 341.14 (6r) (fm) 1. d. of the statutes is renumbered 341.14 (6r) (fm) 1r. d. and amended to read:

341.14 (6r) (fm) 1r. d. The group or organization ~~does not promote, practice or encourage~~ promotes, practices, or encourages hatred or any form of discrimination.

SECTION 10. 341.14 (6r) (fm) 1. e. of the statutes is renumbered 341.14 (6r) (fm) 1r. e. and amended to read:

341.14 (6r) (fm) 1r. e. The group or organization ~~does not carry~~ carries connotations offensive to good

taste or decency, or that would be misleading, or in conflict with the enumeration or designation of any other authorized special group.

SECTION 11. 341.14 (6r) (fm) 1m. of the statutes is created to read:

341.14 (6r) (fm) 1m. a. Upon receiving a complete application and payment under subd. 2., the department shall post a notice of the application on the department's Internet site. The notice shall identify the group or organization applying for designation as an authorized special group, include the date that the notice is posted, and describe the process by which a person may object to designation of the group or organization as an authorized special group and the deadline under subd. 1m. b. for submitting the objection.

b. Subject to subd. 1r., any person may, within 30 days after the date of the department's notice under subd. 1m. a., object to designation of the group or organization as an authorized special group by submitting a written objection to the department in the manner prescribed by the department.

c. If no timely objection is received under subd. 1m. b., the department shall designate the group or organization as an authorized special group. If the department receives a timely objection under subd. 1m. b., the department shall refer the application to the standing committees of each house of the legislature dealing with transportation matters.

d. If an application is referred under subd. 1m. c. and the chairperson of each applicable standing committee does not notify the department within 14 days after the date on which the application is referred that the committee has scheduled a meeting for the purpose of reviewing the application, the application is approved. If, within 14 days after the date on which the application is referred by the department, the chairperson of any applicable standing committee notifies the department that the committee has scheduled a meeting for the purpose of reviewing the application, the application is approved only if each standing committee to which the application was referred under subd. 1m. c. expressly approves the application.

e. After referring an application to the standing committees under subd. 1m. c., the department shall designate the applicant as an authorized special group only if the application is approved under subd. 1m. d.

SECTION 12. 341.14 (6r) (fm) 1r. (intro.) of the statutes is created to read:

341.14 (6r) (fm) 1r. (intro.) An objection under subd. 1m. b. to designation of a group or organization as an authorized special group may be made only by a resident of this state and may be based on any of the following grounds or other grounds:

SECTION 13. 341.14 (6r) (fm) 2. a. of the statutes is repealed and recreated to read:

341.14 (6r) (fm) 2. a. A payment to the department of \$15,500 for the department's initial costs of produc-

tion of special plates associated with the group making application under this paragraph. This payment may not be applied to, and is in addition to, any applicable registration fee and any voluntary payment under subd. 8. a. The department shall return this payment to the authorized special group making the application if the application is denied. All moneys received by the department under this subd. 2. a. shall be credited to the appropriation under s. 20.395 (5) (cj).

SECTION 14. 341.14 (6r) (fm) 2. c. of the statutes is amended to read:

341.14 (6r) (fm) 2. c. Any other information that the department reasonably requires to determine whether the group or organization is entitled by law to designation as an authorized special group.

SECTION 15. 341.14 (6r) (fm) 2. d., e. and f. of the statutes are created to read:

341.14 (6r) (fm) 2. d. If the applicant seeks issuance of special plates that provide moneys to the authorized special group or gifts to a state agency, a statement to this effect and identification of the intended recipient of the moneys or gifts.

e. If the applicant wishes to allow issuance of special plates to supporters of the group or organization in addition to members of the group or organization, a statement to this effect.

f. On a form prescribed by the department and attached to the application, the signatures of at least 500 residents of this state who affirm their intent to obtain special plates associated with the applicant when these special plates become available.

SECTION 16. 341.14 (6r) (fm) 3g. and 3m. of the statutes are created to read:

341.14 (6r) (fm) 3g. Upon receiving a complete application and payment under subd. 2., and upon satisfaction of all requirements under subsd. 1. and 1m., the department shall commence any development work necessary for issuance of the special plates and shall complete the development work within one year of its commencement. The development work under this subdivision shall be funded only from the appropriation under s. 20.395 (5) (cj). The department shall specify the design for special plates issued under this paragraph after consultation with the authorized special group. The special plates for each authorized special group shall be distinguishable from the special plates of any other authorized special group. The department may use a decal to distinguish between special plates of different authorized special groups.

3m. a. If, at any time after 3 years from the date that special plates associated with an authorized special group are first issued under this paragraph, there are fewer than 500 motor vehicles registered for which these special plates have been issued and are valid for the motor vehicles' then current registration period, the department shall give notice to the authorized special group that it

will rescind its designation of the authorized special group and cease issuing special plates associated with the authorized special group unless, within one year after the date of this notice, this threshold of at least 500 currently registered vehicles displaying these special plates is met.

b. If one year elapses after the department has given notice under subd. 3m. a. and the threshold under subd. 3m. a. is still not met, the department shall rescind its designation of the authorized special group and, except as provided in subd. 3m. c., cease issuing special plates associated with the authorized special group.

c. After rescinding its designation of an authorized special group under subd. 3m. b., the department may continue issuing special plates associated with the authorized special group until the department's inventory of these special plates is depleted and the department may continue to renew registrations of vehicles displaying these special plates and continue to collect the involuntary payment under subd. 8. a. After the department's inventory of these special plates is depleted, the department may not accept applications for initial issuance of these special plates or issue these special plates as replacement plates, but may continue to renew registrations of vehicles displaying these special plates and may continue to collect the involuntary payment under subd. 8. a. in connection with these registration renewals.

d. This subdivision does not apply to any group or organization designated by the department as an authorized special group prior to the effective date of this subd. 3m. d. [LRB inserts date].

SECTION 17. 341.14 (6r) (fm) 4. of the statutes is amended to read:

341.14 (6r) (fm) 4. If the application for designation as an authorized special group is denied, the department shall promptly return the application to the group or organization, together with a provide notice stating the reason for of the denial. All actions and decisions of the department and the legislature with respect to applications under this paragraph shall be final and not subject to judicial review under ch. 227.

SECTION 18. 341.14 (6r) (fm) 5. of the statutes is repealed.

SECTION 19. 341.14 (6r) (fm) 6. of the statutes is amended to read:

341.14 (6r) (fm) 6. The department shall establish by rule procedures for the designation of authorized special groups under this paragraph and for the issuance or the discontinuation of issuance of special group plates under this subsection to members of an authorized special group and, as applicable, persons interested in supporting the authorized special group.

SECTION 20. 341.14 (6r) (fm) 8. of the statutes is created to read:

341.14 (6r) (fm) 8. a. An authorized special group may, as provided in subd. 2. d., be, or designate a state agency as, the recipient for voluntary payments collected

by the department in connection with the initial issuance or renewal of special plates associated with the authorized special group. With each initial issuance or renewal, the voluntary payment shall be \$25 for special plates issued or renewed on an annual basis and \$50 for special plates issued or renewed on a biennial basis except that, if the plate is issued or renewed during the 2nd year of a biennial registration period, the voluntary payment for that year shall be \$25. This voluntary payment is in addition to any fee collected by the department. If an authorized special group included a statement under subd. 2. d. in its application, no plate may be issued for the authorized special group unless the voluntary payment is collected. All moneys received under this subd. 8. a. shall be deposited into the general fund and credited to the appropriation under s. 20.395 (5) (eL). To the extent permitted under ch. 71, the voluntary payment under this subd. 8. a. is deductible as a charitable contribution for purposes of the taxes under ch. 71.

b. Subject to subd. 8. c., if the department collects voluntary payments under subd. 8. a., the department shall, from the appropriation under s. 20.395 (5) (eL), make payments of all such moneys collected to the authorized special groups or designated state agency.

c. The department shall cease collecting voluntary payments under subd. 8. a. if the department has knowledge that the recipient of these moneys has dissolved, become insolvent, or filed a petition for bankruptcy or that moneys forwarded to the recipient under subd. 8. b. have been used for any purpose prohibited under subd. 8. d.

d. No moneys received under subd. 8. b. may be used for any political purpose, including for lobbying or campaign activities or to otherwise influence legislation or assist any political campaign or candidate for public office.

SECTION 21. 341.145 (1) (c) of the statutes is amended to read:

341.145 (1) (c) A registration plate of the same color and design as provided in s. 341.14 (6r) for a vehicle specified under s. 341.14 (6r), which displays the applicable symbol of the authorized special group to which the person belongs or supports and a registration number composed of letters or numbers, or both, not exceeding 6 positions and not less than one position, requested by the applicant.

SECTION 22. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.
